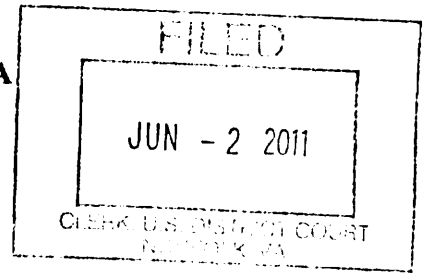


**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**



JEFFERSON ELIE, #1057268
Petitioner,

v.

ACTION NO. 2:10cv222

HAROLD W. CLARKE,
Director of the Virginia
Department of Corrections,

Respondent.

FINAL ORDER

Petitioner, a Virginia inmate, has filed a pro se petition, pursuant to 28 U.S.C. § 2254. The petition alleges violation of federal rights pertaining to petitioner's convictions on May 6, 1999 in the Circuit Court for the City of Newport News of five counts of robbery, two counts of attempted robbery, eight counts of use of a firearm in the commission of a felony, two counts of maiming by mob, and aggravated malicious wounding. He was sentenced to a total of 138 years in the Virginia penal system, with 88 years suspended.

The petition was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Local Civil Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. The Magistrate Judge's Report and Recommendation filed May 5, 2011, recommends dismissal of the petition as barred by the statute of limitations. The Court has received no objections to the Report and Recommendation and the time for filing objections has expired.

The Court does hereby accept the findings and recommendations set forth in the Report and Recommendation filed May 5, 2011, and it is therefore ORDERED that Respondent's Motion to

Dismiss be GRANTED, and that the petition be DENIED and DISMISSED. It is further ORDERED that judgment be entered in favor of Respondent.

Petitioner may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty days from the date of entry of such judgment.

Petitioner has failed to demonstrate "a substantial showing of the denial of a constitutional right," therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. See Miller-El v. Cockrell, 537 U.S. 322, 335-36 (2003).

The Clerk shall mail a copy of this Final Order to Petitioner and to counsel of record for Respondent.


_____/s/_____
Jerome B. Friedman
Senior United States District Judge

UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

June 2, 2011